

JAN 17 2020

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# A BILL FOR AN ACT

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RELATING TO THE COMPOSITION OF THE STATE COUNCIL ON MENTAL  
HEALTH.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. The legislature finds that native Hawaiians  
2       experience distinct health disparities that pervade their day-  
3       to-day well-being and hinder their overall health.

4       Data on native Hawaiian mental health evince the pressing  
5       need for state intervention and confirm that culturally-based  
6       programs are four times more successful in addressing those  
7       needs. For example, youth suicide attempt and death rates are  
8       highest among native Hawaiians, profoundly impacting their  
9       families and communities. Alarming, native Hawaiian youth and  
10      emerging adults are 2.3 times more likely to die by suicide  
11      compared to Caucasian youth in Hawaii. Furthermore, native  
12      Hawaiian youth are twice as likely to have made a suicide  
13      attempt in the last year compared to their Caucasian peers.

14      These mental health disparities, tragically, start in the  
15      early years of life. Native Hawaiian keiki are over-represented  
16      as victims of abuse and neglect. By high school, female native



1 Hawaiian students experience feelings of sadness or hopelessness  
2 to a greater degree than their peers. Native Hawaiian youth  
3 also maintain some of the highest rates of drug use in the  
4 State. Not surprisingly, these mental health disparities  
5 persist for native Hawaiians through adulthood and as senior  
6 citizens.

7       Unfortunately, native Hawaiians tend to underutilize  
8 existing mental health services, seek therapy only after their  
9 illness has become severe, or leave treatment prematurely.  
10 Cultural incongruence with western mental health approaches may  
11 be a driving factor in native Hawaiians' underutilization of  
12 mental health services. Experts explain that clients are more  
13 likely to seek out and use mental health services when their  
14 values and beliefs are congruent with the interventions  
15 provided.

16       In 2014, the legislature codified a commitment to address  
17 health disparities throughout the State. Specifically, section  
18 226-20(7), Hawaii Revised Statutes, directs decision-makers to  
19 "[p]rioritize programs, services, interventions, and activities  
20 that address identified social determinants of health to improve  
21 native Hawaiian health and well-being[.]" Additionally, the



1 legislature recognized that eliminating health disparities and  
2 achieving health equity across demographics is a national  
3 priority, as unequal health outcomes and disparate well-being  
4 are pervasive even when people have health insurance and medical  
5 care.

6 The legislature finds that the state council on mental  
7 health is responsible for advising, reviewing, and evaluating  
8 the allocation and adequacy of mental health resources and  
9 services in the State. Accordingly, requiring the council to  
10 include members with knowledge of or work experience involving  
11 native Hawaiian concepts of well-being, culturally-grounded  
12 mental health methodologies, or traditional healing or health  
13 practices will help to systemically advance culturally  
14 responsive policies and programs that may be critical to  
15 addressing the dire mental health needs of Hawaii's native  
16 Hawaiian and Pacific islander communities.

17 Accordingly, consistent with the commitment embodied in Act  
18 155, Session Laws of Hawaii 2014, the legislature finds that it  
19 is now in the best interests of the State to provide appropriate  
20 native Hawaiian cultural representation on the state council on  
21 mental health.



1       The purpose of this Act is to require that at least three  
2 members of the state council on mental health have demonstrated  
3 knowledge of or work experience involving native Hawaiian  
4 concepts of well-being, culturally-grounded mental health  
5 methodologies, or traditional healing or health practices.

6       SECTION 2. Section 334-10, Hawaii Revised Statutes, is  
7 amended to read as follows:

8       "**§334-10 State council on mental health.** (a) There is  
9 established, within the department of health for administrative  
10 purposes, a state council on mental health. The council shall  
11 consist of twenty-one members appointed by the governor as  
12 provided in section 26-34. In making appointments to the  
13 council, the governor shall ensure that all service area boards  
14 of the State are represented, and that a majority of the members  
15 are nonproviders of mental health or other health services, and  
16 that a majority of the members are not state employees. The  
17 number of parents of children with serious emotional  
18 disturbances shall be sufficient to provide adequate  
19 representation of such children in the deliberations of the  
20 council. The council shall be composed of residents of the  
21 State, including individuals representing:



- 1           (1) The principal state agencies with respect to mental  
2           health, education, vocational rehabilitation, criminal  
3           justice, housing, medicaid, and social services;  
4           (2) Public and private entities concerned with the need,  
5           planning, operation, funding, and use of mental health  
6           services and related support services;  
7           (3) Adults with serious mental illnesses who are  
8           receiving, or have received, mental health services;  
9           (4) The families of such adults or families of children  
10          with serious emotional disturbances; and  
11          (5) The Hawaii advisory commission on drug abuse and  
12          controlled substances who shall be a person  
13          knowledgeable about the community and the  
14          relationships between mental health, mental illness,  
15          and substance abuse.

16          (b) At least three members of the council shall have  
17          demonstrated knowledge of or work experience involving native  
18          Hawaiian concepts of well-being, culturally grounded mental  
19          health methodologies, or traditional healing or health practices  
20          as evidenced by:



1        (1) A college or university degree in a relevant field  
2        such as psychology, social work, public health,  
3        nursing, Hawaiian studies, health administration, or  
4        medicine, with a focus on native Hawaiian and  
5        indigenous health, transgenerational trauma, or  
6        traditional healing or health practices such as  
7        hooponopono, laau lapaau, or lomilomi;

8        (2) Work history that demonstrates an appropriate level of  
9        knowledge of or involvement in native Hawaiian and  
10       indigenous health, transgenerational trauma, or  
11       traditional healing or health practices such as  
12       hooponopono, laau lapaau, or lomilomi;

13       (3) Health, social, or advocacy work history addressing  
14       native Hawaiian inequities; or

15       (4) Substantial community experience as a native Hawaiian  
16       traditional and customary practitioner in healing  
17       treatments, techniques, services, or practices.

18       ~~(b)~~ (c) The council shall elect a chairperson from among  
19       its members. All members shall serve without compensation but  
20       shall be paid their necessary expenses in attending meetings of  
21       the council.



1        [~~(e)~~] (d) The council shall advise the department on  
2 allocation of resources, statewide needs, and programs affecting  
3 two or more service areas. The council shall review and comment  
4 on the statewide comprehensive integrated service plan and shall  
5 serve as an advocate for adults with serious mental illness,  
6 children with serious emotional disturbances, other individuals  
7 with mental illnesses or emotional problems, and individuals  
8 with combined mental illness substance abuse disorders.

9        [~~(d)~~] (e) If the department's action is not in conformance  
10 with the council's advice, the department shall provide a  
11 written explanation of its position to the council.

12        [~~(e)~~] (f) The council shall prepare and submit an annual  
13 report to the governor and the legislature on implementation of  
14 the statewide comprehensive integrated service plan. The report  
15 presented to the legislature shall be submitted at least twenty  
16 days prior to the convening of each regular session.

17        [~~(f)~~] (g) A quorum for purposes of doing business shall  
18 consist of a majority of the members serving on the council  
19 immediately before a meeting begins.

20        [~~(g)~~] (h) If a quorum is present when a vote is taken, the  
21 affirmative vote of a majority of members present shall



1 constitute a valid act of the council unless this chapter, part  
2 I of chapter 92, the articles of incorporation, or the bylaws  
3 require a greater number of affirmative votes."

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

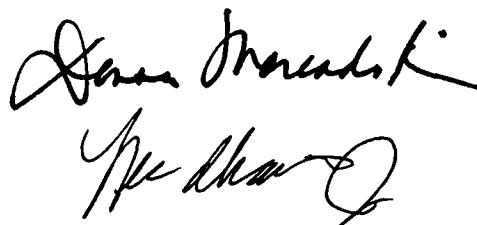
6 SECTION 4. This Act shall take effect upon its approval;  
7 provided that the composition of the state council on mental  
8 health shall comply with this Act no later than July 1, 2021.

9  
INTRODUCED BY:

Kurt Favelle











# S.B. NO. 2408

**Report Title:**

State Council on Mental Health; Native Hawaiian Health Practices

**Description:**

Requires the State Council on Mental Health to include at least 3 members with demonstrated knowledge of or work experience involving Native Hawaiian concepts of well-being, culturally grounded mental health methodologies, or traditional healing or health practices.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

